

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is requested in view of the comments and amendments made herein.

Claims 1-7 and 9 were rejected under 35 USC 102(b) as being anticipated by Payzant (US 5,937,879). Traversal of this rejection is made for at least the following reasons. The examiner contends that the phrase “aid of actuating means” is considered to be very broad and does not exclude a user from moving the filter manually. Accordingly, claim 1 has been amended to require that the actuating means is activated and deactivated by a program control. Support for this amendment may be found at least on page 2, line 29. Payzant fails to describe such structure.

As stated previously, Payzant only discloses that when the pump filter 144 is raised, as shown in Fig. 6, the pump filter 144 is positioned below the screen 138. As such, “water flowing through the opening 140 must pass through the perforations 149 of the body 146 in order to enter the sump 110 whether the pump filter is in the seated position of FIG. 5 or the unseated position of FIG. 6.” Col. 6, lines 45-49. There is nothing within Payzant that discloses that a dishwasher program can position the collecting part above the one or several fine filters, as required by claim 1. Accordingly, withdrawal of the rejection is requested.

Claims 2-7 and 9 depend from independent claim 1 that is believed to be in condition for allowance for the reasons discussed above. As such, withdrawal of the corresponding rejection of claims 2-7 and 9 is respectfully requested.

Claim 9 was rejected under 35 USC 103(a) as being unpatentable over Payzant (US 5,937,879). Traversal of this rejection is made for at least the following reasons. Claim 9 depends from claim 1, which is believed to be allowable over Payzant for the reasons discussed above. Accordingly, withdrawal of this rejection is requested.

Claim 10 was rejected under 35 USC 103(a) as being unpatentable over Payzant (US 5,937,879) in view of Taylor, Jr. et al. (US 5,660,195). Traversal of this rejection is made for at least the following reasons. Claim 10 depends from claim 1, which is believed to be allowable over Payzant for the reasons discussed above. Taylor, Jr. et al. does not make up for these deficiencies. Accordingly, claim 10 is believed to be allowable over the combination of Payzant and Taylor, Jr. et al. Withdrawal of this rejection is requested.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited

to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. ABE-38790.

Respectfully submitted,

PEARNE & GORDON LLP

By: /Una L. Lauricia/
Una L. Laurica, Reg. No. 48998

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: January 13, 2011